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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,577	09/27/2001	Ryoichiro Uehara	05711.0122	9686

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,577

Applicant(s)

UEHARA ET AL

Examiner

James R Brittain

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The passage "the center of butting portions on the plane of the female body and the male body" (claim 1, lines 6-7) lacks antecedent basis for "the center" and "the plane". The passage "or a top surface" (claim 11, line 5, second occurrence) lacks clarity in the middle of two other top surfaces and it is unclear if this is needed or if further reference to other structure is needed. The remaining claims are indefinite because they depend from indefinite claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Isenmann (US 3979934).

Isenmann (figures 1-7) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a convex portion with flanking straight portions

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that act as butting portions. These butting portions mate with the complementary concave portion with flanking straight portions on the male body 12 that has flexible legs 36 for insertion and engagement with the female body 10. As to claim 4, while both sides have the concave-convex engagement, there is also straight-line engagement on both sides so that on one surface there is concave and convex engagement and on the other side there is linear-form engagement. There is no restriction to prevent convex-concave engagement on the linear-form engagement side, too.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Krock (US 3600917).

Krock (figures 1-6) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a concave portion 42 with flanking straight portions that act as butting portions. These butting portions mate with the complementary convex portion 19 with flanking straight portions on the male body 11 that has flexible legs 16 for insertion and engagement with the female body 10. As to claim 4, while both sides have the concave-convex engagement, there is also straight-line engagement on both sides so that on one surface there is concave and convex engagement and on the other side there is linear-form engagement. There is no restriction to prevent convex-concave engagement on the linear-form engagement side, too.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krock (US 3600917) in view of either one of Feng (US 4679282) or Krauss (US 5590444).

Krock (figures 1-6) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a concave portion 42 with flanking straight portions that act as butting portions. These butting portions mate with the complementary convex portion 19 with flanking straight portions on the male body 11 that has flexible legs 16 for insertion and engagement with the female body 10. The difference is that the butting portions aren't trapezoidal. However, Feng (figures 1, 2) suggests the use of a trapezoidal butting guide 206 on the male body fitting into a cooperating recess 301 on a major face of the opening of the female body and Krauss (figures 5-9) teaches the use of a trapezoidal butting guide 132, 134, 108 on the male body fitting into a cooperating recess 142, 144, 146 on a minor face of the opening of the female body so as to provide a geometry well known in buckles to provide stable interengagement between the male and female bodies. It would have been obvious to modify the buckle of Krock so that the butting portions are trapezoidal in view of either one of Feng (figures 1, 2) suggesting the use of a trapezoidal butting guide 206 on the male body fitting into a cooperating recess 301 on a major face of the opening of the female body or Krauss (figures 5-9) teaching the use of a trapezoidal butting guide 132, 134, 108 on the male body fitting into a cooperating recess 142, 144, 146 on a minor

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face of the opening of the female body so as to provide a geometry well known in buckles to provide stable interengagement between the male and female bodies.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isenmann (US 3979934) in view of Uehara (FR 2783679).

Isenmann (figures 1-7) teaches buckle structure acting as a key holder including a female body 10 with a flat housing and a convex portion with flanking straight portions that act as butting portions. These butting portions mate with the complementary concave portion with flanking straight portions on the male body 12 that has flexible legs 36 for insertion and engagement with the female body 10. The difference is that it lacks the convex portion extending to a strap aperture. It would have been obvious to modify the buckle of Isenmann so that the convex portion extends to a strap aperture in view of Uehara (figures 2, 5) that suggests the convex portion 10 extending to the strap aperture so as to prevent the strap from loosening, a desirable result for a buckle used on straps.

#### ***Allowable Subject Matter***

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Kasai (US 4802262), Uehara (US 6351876), Hsieh (US 5561891), and JP 8-131215 teach pertinent buckle structure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J R Brittain', is positioned above the printed name.

James R Brittain  
Primary Examiner  
Art Unit 3677

JRB  
May 20, 2002